

REMARKS

This paper is responsive to the final Office Action dated August 21, 2006 and the telephonic interview of October 30, 2006. In the Office Action, the Examiner rejected claims 1, 3-13, and 15-18 under 35 U.S.C. § 102(b) as anticipated by Maggenti et al., U.S. Patent Publication No. 2002/0086665 A1 ("Maggenti"). The Examiner rejected claims 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Maggenti in view of Yafuso et al, U.S. Patent No. 5,912,882 ("Yafuso"). In the telephonic interview of October 30, 2006, independent claims 1 and 13 were discussed in light of Maggenti, but no agreement was reached.

By this amendment claims 1 and 13 are amended. As discussed further below, the Examiner's rejections of the claims are traversed below on the basis that the claims include novel limitations not taught by Maggenti or Yafuso.

Claims 1, 3-13 and 15-20 Are Patentable

The Examiner rejected claims 1, 3-13 and 15-18 under 35 U.S.C. 102(b) as being anticipated by Maggenti. The Examiner rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being obvious over Maggenti in view of Yafuso. The Applicants respectfully traverse the rejections by the Examiner on the basis that claims 1, 3-13 and 15-20 include novel limitations that are not disclosed in Maggenti or Yafuso, either separately

or in combination. In particular, Maggenti does not disclose preemption of a current push-to-talk speaker in response to a request for the floor from a user with a higher priority

The present claims require, *inter alia*, preempting a current push-to-talk speaker in response to a push-to-talk request from a user/device with a higher priority. See, claims 1 and 13. In addition, by the current amendments, as discussed with the Examiner in the telephonic interview with Applicants' attorney Reginald J. Hill, independent claims 1 and 13 are amended to recite:

preempting the current participant currently speaking based on the priority level of the participant initiating the request to speak and the priority level of the current participant currently speaking, *when* the participant initiating the request has a higher priority level; (claim 1)
and

preempt the current participant currently speaking based on the priority level of the participant initiating the request to speak and the priority level of the current participant currently speaking, *when* the priority of the participant initiating the request to speak is higher than the priority of the current participant currently speaking. (claim 13)

Advantageously, preempting a current user for a higher priority user prevents a lower priority device from dominating the floor.

As discussed in the telephonic interview, Maggenti does not disclose preemption of a current push-to-talk user for a higher priority user. In fact, to prevent domination of the floor by any one participant, Maggenti only grants the floor for a specific period of time. When that time is up, the floor is released. See Maggenti paragraph [0095] ("PTT

fail-safe timeout is the maximum number of seconds a net participant may transmit media to the net before the CM revokes control of the floor with a PTX denial message.”).

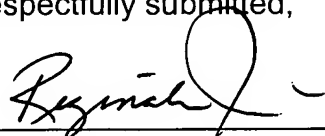
The Examiner cites to Maggenti paragraph [0154] in support of the “revoking” field in the PTX message of Maggenti. The Examiner considers that “arbitration granting and revoke” reads on the recited preemption element. However, the cited paragraphs do not disclose, teach or suggest that a current speaker is preempted by a higher priority user seeking the floor. As discussed in the telephonic interview, the “revoking” field in the Maggenti PTX message appears to reference revoking a user when the time limit for control of the floor is reached. This is not the preemption recited in the present claims. In fact, Maggenti teaches against preemption. Yafuso does not provide the teachings missing from Maggenti. And, the combination of Maggenti and Yafuso fail to provide the missing teachings.

Therefore, claims 1, 3-13 and 15-18 are patentable for at least the reasons given above. Claims 19 and 20 are patentable for at least the same reasons and also because the missing “preemption” element prevents a *prima facie* case of obviousness.

CONCLUSION

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Reginald J. Hill", written over a horizontal line.

Reginald J. Hill
Registration No. 39,225
Attorney for Applicants

Date: October 31, 2006

JENNER & BLOCK LLP
One IBM Plaza
Chicago, IL 60611
(312) 222-9350